

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GLENN DERWIN UPSHAW,

Defendant.

Case No.: CR 14-208 YGR

ORDER DENYING MOTION FOR STAY


Re: Dkt. No. 85

The Government's Motion for Stay is **DENIED** for failure to demonstrate that such stay is warranted. *See Dependable Highway Exp., Inc. v. Navigators Ins. Co.*, 498 F.3d 1059, 1066 (9th Cir. 2007); *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (noting that special considerations implicated by habeas proceedings place unique limits on discretionary stays); *see also* Order, *Jacob v. United States*, Case No. 15-73302 (9th Cir. Aug. 1, 2016) (Dkt. No. 39) (lifting stay and finding petitioner could proceed based on a *prima facie* showing under *Johnson v. United States*, 135 S. Ct. 2551 (2015), which has a retroactive effect in cases on collateral review per *Welch v. United States*, 136 S. Ct. 1257, 1264–68 (2016)); Order, *Gardner v. United States*, Case No. 15-72559 (9th Cir. Aug. 1, 2016) (Dkt. No. 42) (same).

This Order terminates Docket No. 85.

IT IS SO ORDERED.

Date: August 16, 2016


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE